

USPN: 10/809,106
Group Art Unit: 3743
Docket No. 58632US004

REMARKS

Claims 1 – 7, 11 – 43 and 48 – 52 are pending in this application.

Claims 3 – 7, 11 – 39, 42 – 43, 48 – 49 and 52 have been allowed.

Claims 40 – 41 and 50 – 51 have been rejected.

Claims 1 – 2 have been objected to.

Amendments to the Claims

Claims 1, 2, 40 and 50 have been amended.

Claim 1 has been amended to correct antecedent basis for “front,” “dome-shaped portion,” “side of the channel” and “side wall.” No new matter has been added.

Claim 2 has been amended to correct antecedent basis for “perimeter.” No new matter has been added.

Claim 40 has been amended to correct the reference of an angle of inclination from a “front wall” to a “side wall.” Support for this amendment can be found in the specification, e.g., on page 8, lines 18 – 22. No new matter has been added.

Claim 50 has been amended to correct the reference of an angle of inclination from a “front wall” to a “side wall.” Support for this amendment can be found in the specification, e.g., on page 8, lines 18 – 22. No new matter has been added.

Claim Objections

Claims 1 and 2 have been objected to for improper antecedent basis.

In particular, claim 1 has been objected to for the use of “the dome-shaped portion,” “the side of the channel” and “the side wall of the hood.” In each case the claim has been amended to replace the article “the” with an “a” properly introducing the term and providing antecedent basis. In addition, the phrase “the front” has been amended to “a front” to avoid any possible problem with antecedency. With the amendments, claim 1 should no longer be objectionable.

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Claim 2 has been objected to for the use of "the perimeter." The claims has been amended to replace the article "the" with an "a" properly introducing the term and providing antecedent basis. With the amendment, claim 2 should no longer be objectionable.

Claims 1 and 2 should now be allowable.

Rejections Under 35 USC § 112

Claims 40, 41, 50 and 51 have been rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Both of claims 40 and 50 required an incline of from 15 to 60 degrees from a front wall of the hood.

Both of claims 40 and 50 have been amended to instead require that the incline be referenced from a side wall of the hood. The specification adequately supports the written description requirement. For example, the specification, e.g., on page 8, lines 18 - 22, recites "This may be achieved by selecting the angle at which the inclined portion extends relative to the side wall in relation to the spacing of the outlet above the eyes. It is believed that an angle of 15 to 60 degrees relative to the side wall may be appropriate for most applications and that an angle of 45 degrees relative to the side wall may be suitable in many cases."

As noted by the Examiner, it is apparent reference to the side wall is adequately supported by the specification.

Thus, claims 40 and 50 are now believed to be adequately supported by the written description requirement.

Claims 41 and 51 are dependent upon claims 40 and 50, respectively, and narrow the angle of inclination without further specifying the reference. Thus, the amendments of claims 40 and 50 have also cured the lack of written description of claims 41 and 51, respectively.

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With the amendments, claims 40, 41, 50 and 51 should no longer be rejectable under 35 USC § 112, first paragraph, as failing to comply with the written description requirement.

Claims 40, 41, 50 and 51 should now be allowable.

Allowable Subject Matter

The indication of the allowance of claims 3 – 7, 11 – 39, 42 – 43 and 52 is appreciated.

Summary

In view of the amendments made and the arguments presented, claims 1 – 7, 11 – 43 and 48 – 52 should be allowable, this application should be in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted on behalf of
3M Innovative Properties Company

PETER D. LEE ET AL.



William D. Bauer
Registration No. 28,052

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IPLM Group, P.A.
Broadway Place West, Suite 6600
1300 Godward Street NE
Minneapolis, Minnesota 55413-1741
Telephone: 612-331-7405
Facsimile: 612-331-7401

All correspondence regarding this application should be directed to:

Karl G. Hanson
Office of Intellectual Property Counsel
3M Center, Building
P.O. Box 33427
Saint Paul, MN 55133-3427
Phone: 651-736-7776